

**REMARKS**

Claims 1-21 are pending in the present application. Applicants have amended Claims 1, 7, 9, 10, 15 and 21 herewith. Reconsideration of the claims is respectfully requested.

**I. 35 U.S.C. § 103, Obviousness**

The Examiner rejected Claims 1-6 and 10-21 under 35 U.S.C. § 103 as being unpatentable over LaDue et al (U.S. Patent RE38,111) in view of Okimoto et al (U.S. Patent 6,310,694). This rejection is respectfully traversed.

With respect to Claim 1, such claim has been amended to further emphasize differences and resulting advantages of the claimed invention over the teachings of the cited references. In particular, Claim 1 has been amended to recite that both a format and pattern are identified from a received printer data stream, where the identified pattern is subsequently used as part the data extraction step to form extracted data and the identified format is subsequently used as part of the formatting step to form formatted data. By identifying and using both the format and the pattern, the claimed invention advantageously provides a unique mechanism for both data extraction (using the pattern) of an incoming print stream, and data formatting (using the format) of an outgoing print stream. In contrast, the cited LaDue reference only teaches a single identifying step for a print stream (LaDue column 4, lines 43-51) using "automatic document selection data". While LaDue also teaches an alternative manual mode of operation, where an operator manually selects a format for use by activating keys on a user interface (col. 3, lines 57-66), and subsequent data extraction of predetermined data fields, this extraction is done according to the identity of the manually designated document format (see, e.g. LaDue column 4, lines 18-27 where it states extracting data "according to the identity of the designated document", where the "designated document" is user selected per column 3, line 66 – column 4, line 8). Claim 1 expressly states that the pattern used for data extraction is identified from the incoming print stream (i.e. an automated determination). Again, as to LaDue automated mode, only a single format identification is described (LaDue column 4, line 43-51), whereas Claim 1 expressly recites two identifying steps

(format and pattern). Thus, it is shown that there is no teaching or suggestion of the claimed steps of both "identifying a format for the printer data stream from the received printer data stream" and "identifying a pattern for data extraction from the received printer data stream", or of "extracting data from the printer data stream *using the identified pattern* to form extracted data" and "formatting the extracted data into a format for a destination *using the identified format* to form formatted data".

The cited Okimoto reference teaches a single data "indicative of status of the print data, i.e., the page description language of the print data" that is used to select, or adjust print conditions for, a printer at column 25, lines 8-16. This cited reference similarly does not teach or suggest the claimed steps of both "identifying a format for the printer data stream from the received printer data stream" and "identifying a pattern for data extraction from the received printer data stream", or the subsequent use of both the identified pattern (as part of extracting) and identified format (as part of formatting).

Thus, the amendment to Claim 1 is shown to have overcome the 35 USC 103 rejection.

Applicants initially traverse the rejection of Claims 2-6 for similar reasons to those given above with respect to Claim 1 (of which Claims 2-6 depend upon).

Further with respect to Claim 2, Applicants urge that none of the cited references teach or suggest the claimed feature of "wherein the receiving, identifying, formatting, extracting, and transmitting steps are performed in a printer driver subsystem". In rejecting Claim 2, the Examiner states that this claimed feature is taught by Okimoto at column 7, lines 7-20, column 7, lines 66-67 and column 8, lines 1-17. Applicants have reproduced such passages below:

The printer driver 30 is capable of creating print data, outputting the print data to the printer 6 to print the print data, starting executing the print mail transmission utility 31a, and creating cancel mail and transmitting the cancel mail to the mail server 24. The printer driver 30 is executed by the CPU 132 when a print instruction is issued from some application programs (not shown) executing on the personal computer 4.

The print mail transmission utility 31a is for creating print mail based on the print data supplied from the printer driver 30 and for transmitting the print mail to the mail server 24. The print mail transmission utility 31a is executed by the CPU 132 when a print mail

transmission instruction is issued from the printer driver 30. (column 7, lines 7-20)

The print mail transmission utility 31a is executed upon receipt of the print mail transmission command from the print driver 30. The print mail transmission utility 31a is for creating a print mail based on the print data created by the printer driver 30. The print mail is desired to be transmitted to a target computer 10 or 12 so that the print data included in the print mail will be printed thereat. In order to send the print mail to the target computer 10 or 12, the print mail transmission utility 31a transmits the print mail to the SMTP server 32 by Simple Mail Transfer Protocol (SMTP).

It is noted that the printer driver 30 is also for creating cancel mail for instructing the target computer not to print the print mail that has been supplied to the target computer prior to the cancel mail. In order to transmit the cancel mail to the transfer destination where the print mail, desired to be canceled, has been transmitted, the printer driver 30 transmits the cancel mail to the SMTP server 32 also by Simple Mail Transfer Protocol (SMTP). (column 7, lines 66-67 and column 8, lines 1-17)

As can be seen, while these passages may describe a print driver, this print driver is only described as having functionality for (i) creating print data, (ii) outputting print data, (iii) starting executing the print mail transmission facility, and (iv) creating cancel mail and transmitting the cancel mail to the mail server. A print mail transmission utility is also described as having functionality for (i) receiving a print mail transmission command, (ii) creating a print mail based on the print data created by the print driver, and (iii) transmitting the print mail to an SMTP server. There is no indication or other teaching within this cited passage of any type of "identifying" or "extracting" steps, as claimed. Thus, contrary to the Examiner's assertion, the cited Okimoto reference does not teach "wherein the receiving, identifying, formatting, extracting, and transmitting steps are performed in a printer driver subsystem". Therefore, a prima facie case of obviousness has not been made with respect to Claim 2<sup>1</sup>, and thus the burden has not shifted to Applicants to rebut such an obviousness assertion<sup>2</sup>.

<sup>1</sup> In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. See also, *In re Royka*, 490 F.2d 580 (C.C.P.A. 1974).

<sup>2</sup> Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *In re Oetiker*, *supra*.

With respect to Claim 10 (and dependent Claims 11-14), 15 (and dependent Claims 16-20) and 21, Applicants traverse for similar reasons to those given above with respect to Claim 1.

Further with respect to Claim 16, Applicants traverse for further reasons given above with respect to Claim 2.

Therefore, the rejection of Claims 1-6 and 10-21 under 35 U.S.C. § 103 has been overcome.

## II. 35 U.S.C. § 102, Anticipation

The Examiner rejected Claims 7-9 under 35 U.S.C. § 102 as being anticipated by Okimoto et al (U.S. Patcnt 6,310,694). This rejection is respectfully traversed.

With respect to Claim 7, such claim has been amended to further emphasize differences and resulting advantages of the claimed invention over the teachings of the cited reference. In particular, Claim 7 has been amended to recite that a pattern is identified that is associated with the identified format, and this identified pattern is used as a part of data extraction, as described by Applicants' Specification at page 13, line 19 – page 14, line 8. In rejecting Claim 7, the Examiner states that Okimoto teaches the claimed data abstraction object at column 21, lines 14-45 and FIG. 15. Applicants show that there, Okimoto states:

When the cover page print process of S1000 is completed, the program proceeds to S1010 shown in FIG. 15. It is noted that if the cover page print setting has not been selected ("no" in S999), the program directly proceeds to S1010. In S1010, **all the attached file(s) included in the subject mail is extracted**.

Then, in S1020, the program determines, based on the mail header (mail log data) of the subject mail, whether the subject mail is print mail which has been created using the print mail transmission utility process 31a. If the mail is print mail ("yes" in S1020), the program proceeds to S1030, wherein the program determines whether a print process of S1040 has been completed for all the print data included in the file attached to the subject mail. If the print process has not yet been completed for all the print data in the attached file ("no" in S1030), one piece of print data from a plurality of pieces of print data constituting the attached file, is transferred in S1040 to a print spooler. The print spooler is a software program executed on the computer 10 to temporarily store print data in the

memory or the hard disk provided to the computer 10 and to transfer the print data to a printer according to the printing state of the printer. For example, when an operating system named "Windows", a product of Microsoft Corporation, is being used as an operating system on the personal computer 10, the print data is transferred to a print spooler named "Windows print spooler", also a product of Microsoft Corporation. During this process, the operating system executes a process to control the printer 14, selected in S987, via the LAN 20 to print the print mail. The print process of S1040 is executed repeatedly as long as print data not yet printed exists remaining ("no" in S1030). (emphasis added by Applicants)

As can be seen, this passage describes extracting attached files from an email message. Such extraction does not contemplate, teach or otherwise suggest *use of a pattern as part of such extraction*, or that the identified pattern is associated with an identified format of data in a print data stream, as claimed. Thus, it is shown that amended Claim 7 is not anticipated by the cited reference as every claimed element is not identically shown in a single reference<sup>3</sup>.

Applicants initially traverse the rejection of Claims 8 and 9 for reasons given above with respect to Claim 7 (of which Claims 8 and 9 depnd upon).

Applicants further traverse the rejection of Claim 8 by showing that the cited reference does not teach the claimed feature of "additional data processing objects, wherin the data processing object and the additional data processing objects are each configured to format data for a particular format". In rejecting Claim 8, the Examiner states that this claimed feature is taught by Okimoto at column 25, lines 28-67.

Applicants show that there, Okimoto states:

In the above-described embodiment, the printer driver process of FIG. 4 creates print data in the same format as required to print on the transmitter's side. The print data is then included in print mail as an attached file and then is transmitted to the remote user in the process of the print mail transmission utility 31a shown in FIG. 7.

However, the print data, to be transmitted to the remote user, may be prepared to conform to the functions of the remote user's printer. For

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<sup>3</sup> For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

example, the print data may be created in correspondence with a type of page description language (emulation) interpretable by the remote user's printer. The print data may be created into full color data when the remote user's printer is of a full color printer. The print data may be created into monochromatic data when the remote user's printer is of a monochrome printer. The print data may be created into data suitable for an ink-jet printer when the remote user's printer is an ink-jet printer. The print data may be created into data suitable for a dot impact type printer when the remote user's printer is a dot impact type printer. The print data may be created into data suitable for a thermal transfer type printer when the remote user's printer is of a thermal transfer type. The print data may be created as suitable for the size of papers employed in the remote user's printer.

The type and/or function of the remote user's printer may be registered in the transmitter's computer in advance. For example, before creating print data, confirmation mail may be transmitted to the remote user in order to confirm the type and function of the remote user's printer. When information on the type and function of the remote user's printer is returned via return mail, data for the type and function is recorded. Or, the user may manually enter, into the computer, data of the type and function of the remote user's printer.

When desiring to transmit print mail to that remote user, when the user designates the address of the remote user, print data is automatically created in a format conforming to the type and function of the remote user's printer, and the print mail is transmitted to the remote user.

As can be seen, this passage does not teach a *plurality of data processing objects* which are *each configured to format data* for a particular format. Rather, the cited reference merely teaches an ability of a single printer driver to support *multiple types of formats*. This one-to-many association as taught by Okimoto is very different from a many-to-one formatting capabilities defined by Claim 8. Therefore, Claim 8 is further shown to not be anticipated by the cited reference as every claimed element is not identically shown in a single reference.

Claim 9 has been amended herewith to further emphasize differences and resulting advantages of the claimed invention over the teachings of the cited reference. In particular, Claim 9 now recites "wherein the data processing system object communicates with at least one of a servlet, an applet, and a script at the destination and at least one of the additional data processing objects communicates with at least one of a servlet, an applet, and a script at another destination". Specification support for such

amendment is shown to be at least at Specification page 14, lines 9-27. The cited reference does not teach such plurality of data processing objects each communicating with a different destination. Thus, amended Claim 9 is further shown to not be anticipated by the cited reference.

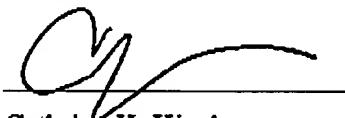
Therefore, the rejection of Claims 7-9 under 35 U.S.C. § 102 has been overcome.

### III. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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